IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

HECTOR A. VALDEZ #19799-078,
Plaintiff,

-vs- **Case No. A-16-CA-695-LY**

BUREAU OF PRISONS, *et al.*,
Defendants.

O R D E R

Before the Court is a notice filed by an Assistant United States Attorney. He points out several defects regarding the service of the defendants in this case.

First, counsel indicates Defendants Outwin, Harvey, Persimmon, and Russell have agreed to be served through Agent Joe Tang, Senior CLC Attorney. Accordingly, the Court will direct that service be sent to Tang on behalf of Defendants Outwin, Harvey, Persimmon, and Russell.

Second, counsel states the defendant identified as Dixon M. McCray is Maranda McCrary-Dixon. Accordingly, the Court will substitute Maranda McCrary-Dixon for the defendant previously identified as Dixon M. McCray.

Third, counsel asserts Defendants March, Montgomery, and McCrary-Dixon are no longer associated with the Bureau of Prisons. Accordingly, counsel will be directed to provide the Court with the last known addresses for these defendants.

Next, counsel indicates the defendant identified as "G. Paul" may be Paul M. Gee, DPM, who is not an employee of the Federal Bureau of Prisons. Plaintiff has the obligation to properly identify the defendants and provide the Court with the information needed to serve process on them.

Kersh v. Derozier, 851 F.2d 1509 (5th Cir. 1988). Accordingly, Plaintiff will be ordered to properly identify this defendant and provide the Court with an address at which the defendant can be served.

Counsel further indicates they have been unable to locate or identify the defendant previously identified as James Humphrey. As such, Plaintiff will be directed to properly identify this defendant.

Next, counsel indicates the Federal Bureau of Prisons and Health Care Services have not been properly served. The Court did not order service upon the Federal Bureau of Prisons or Health Care Services.

It is therefore **ORDERED** that **Defendant Laurel Outwin, M. Harvey, H. Persimmon, and Kenneth Russell,** as a defendants are hereby required to file answers to such complaint or otherwise plead as provided by Rule 12 of the Federal Rules of Civil Procedure within sixty (60) days after service of a copy of the complaint and Plaintiff's more definite statement upon said defendants. In order that this may be done, the issuance of service of process shall be commenced by the United States Marshal upon said named defendants under Rules 4 and 5 of the Federal Rules of Civil Procedure **directed to Joe Tang, Senior CLC Attorney, South Central Regional Office, 344 Marine Forces Dr., Grand Prairie, Texas 75051**. At the time of filing an answers, Defendants shall serve Plaintiff with a copy thereof in accordance with Rule 5(b) of the Federal Rules of Civil Procedure and shall file with the Clerk a certificate showing such service.

It is further **ORDERED** that the Clerk shall substitute Maranda McCrary-Dixon for the defendant previously identified as Dixon M. McCray.

It is further **ORDERED** that counsel shall on or before October 5, 2016, file under seal an advisory containing the last known addresses for Defendants March, Montgomery, and McCrary-Dixon.

It is further **ORDERED** that Plaintiff shall on or before October 19, 2016, notify the Court of whether Paul M. Gee, DPM, should be substituted for the defendant previously identified as G. Paul and shall provide the Court with an address for the defendant.

It is further **ORDERED** that Plaintiff shall on or before October 19, 2016, notify the Court of the proper identity of the defendant previously identified as James Humphrey.

It is finally **ORDERED** that Plaintiff's failure to comply with this Order could result in the dismissal of the claims against the unidentified or unserved defendants for failure to prosecute.

SIGNED this 21st day of September, 2016.

ANDREW W. AUSTIN
UNITED STATES MAGISTRATE JUDGE